

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

DEMETRIS GRANT,

Plaintiff,

v.

Case No. 18-CV-41

ANN YORK,

Defendant.

ORDER

Plaintiff Demetris Grant, who is representing himself, filed a complaint under 42 U.S.C. § 1983, alleging that his constitutional rights were violated. On May 24, 2018, the court screened Grant's amended complaint and allowed him to proceed on a deliberate indifference claim against Ann York. The court ordered the clerk's office to electronically send copies of Grant's amended complaint and the court's screening order to Milwaukee County for service on York, pursuant to an informal service agreement between Milwaukee County and this court. The court also ordered York to file a responsive pleading to the amended complaint within sixty days.

York did not timely respond to the amended complaint. The court contacted Milwaukee County and learned that it would not accept service on York's behalf because

she is not a Milwaukee County employee. Because Milwaukee County failed to promptly notify the court of its refusal to accept service on York's behalf, York has yet to be served with Grant's amended complaint.

Accordingly, the court **ORDERS** the United States Marshal to serve a copy of the amended complaint (ECF No. 9), the court's screening order (ECF No. 12), and this order on defendant Ann York under Federal Rule of Civil Procedure 4. Congress requires the U.S. Marshals Service to charge for making or attempting such service. 28 U.S.C. § 1921(a). Although Congress requires the court to order service by the U.S. Marshals Service, it has not made any provision for either the court or the U.S. Marshals Service to waive these fees. The current fee for waiver-of-service packages is \$8.00 per item mailed. The full fee schedule is provided at 28 C.F.R. §§ 0.114(a)(2), (a)(3). The U.S. Marshals will give Grant information on how to remit payment. The court is not involved in collection of the fee.

The court **ORDERS** defendant Ann York to file a responsive pleading to the amended complaint.

The court **ORDERS** that the parties may not begin discovery until after the court enters a scheduling order setting deadlines for discovery and dispositive motions.

Dated at Milwaukee, Wisconsin this 13th day of August, 2018.


WILLIAM E. DUFFIN
U.S. Magistrate Judge